FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application No.1789/07.

Sahebrao Raghupati Khadse
.vs.
The State of Maharashtra.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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Coram: C. L. PANGARKAR J.
Dated : 17th July 2007.

1. Heard Shri S.P.Kshirsagar, Advocate for the applicant and Mr.A.S.Parihar, Additional Public Prosecutor for the State.

2. This is an application under Section 438 of Code of Criminal Procedure.

3. The applicant is an Editor of a Weekly Newspaper known as “Sambodhi Sandesh”. It is published from Chandur Bazar in Amravati District. The present applicant had published in this newspaper an

article titled as “Dharmantaracha Gajawaja Karun Mumbaila Palayan”. The said news was published in respect of Anand Bhaurao Meshram who is brother of Mahadeorao Patil and who has converted to Chrisitianity. It is alleged that due to publishing of these articles with respect to the illegal conversion of people belonging to Baudha religion to Christianity, one Premabai and her husband were offended. Therefore, they lodged a false report against the present applicant that he had assured to give an employment to one Kanchan Deepak Petras and one Borkar's son. It is alleged that, therefore, they initially paid Rs.40,000/- in the year 2001. Later, on 20/3/2005 it is alleged that Premabai once again paid Rs.50,000/- and Mr.Borkar paid Rs.60,000/-. It is alleged that the applicant did not give any employment and duped these persons of money under the pretext that he would secure employment for them. Since such report was lodged, an offence has been registered and the applicant, therefore, apprehends arrest.

4. The basic contention of the applicant is that he has been falsely implicated on account of the fact that he has exposed the racket of illegal conversion of

people belonging to Baudha religion to that of Christianity. He submitted that due to that the complainant and her relatives are offended and they are now anyhow trying to take revenge. The learned Additional Public Prosecutor submitted that there is ample evidence that the applicant had taken money for providing employment to children of Premabai and Bhagwan Borkar. He particularly invited my attention to the statement of Mohd.Hani Mohd.Shaku. On the basis of this statement, he submitted that this statement is of an independent witness and carries weight. This statement of Mohd.Hani Mohd.Shaku is said to have been recorded on 13/6/2007. He makes a reference to an incident which is said to have occurred a year prior to recording of his statement. As said earlier, the statement of Mohd.Hani Mohd.Shaku was recorded on 13/6/2007. Thus, according to this witness, the alleged incident of payment of money by Premabai and Borkar had taken place somewhere in the month of June, 2006. The complaint i.e. F.I.R. does not make any reference to the incident of payment of money in the month of June 2006. The F.I.R. makes a reference that money said to have been paid in the year 2003. Obviously, this statement of Mohd.Hanif does not go to support what is

alleged in the F.I.R. Apparently, it is alleged that it is only after the present applicant had lodged the report with the police about illegal conversion and exposer of ill-deeds of the complainant that this report seems to have been lodged. It is, therefore, apparent that this report has been lodged only with a view to take a revenge and as a counter-blow. In view of this, I find that interim anticipatory bail granted to the applicant needs to be confirmed. It is confirmed.

Judge.

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